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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,706	05/17/2007	Susumu Tsukamoto	2006-1404A	3816
513 7590 06/22/2009 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
PAIK, SANG YEOP				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
06/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,706

Applicant(s)

TSUKAMOTO ET AL.

Examiner

SANG Y. PAIK

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date 5/17/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Dependent claims 3 and 5 recite some of the steps that were already recited in their respective independent claims 1 and 2, and it is unclear if another additional set of laser welding methods are claimed or that they are the same steps as already recited from the independent claims. Clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto et al (US 2004/0026381) in view of Terada et al (US 5,155,329) or Chou et al (US 5,961,859).

Tsukamoto shows the laser welding method claimed including a laser that provides a varied waveform and frequency in response to the welded portion, including the frequency of the welded portion. But, Tsukamoto does not show the method of

detecting a time change in light emission strength of plasma or plume generated from the welded portion.

Terada shows that it is known in the art that the welded conditions are monitored and determined by the light intensity emitted from the welds and that the time change of the light intensity correlates with the varying waveforms of the laser as illustrated in Figures 4 and 6. Chou also shows that it is well known in the art that the welded conditions are monitored and determined by the intensity of the light emission of the welded portion. , and Chou also shows that strength of plasma can reach a threshold value that would be indicative of the weld problem.

In view of Terada or Chou, it would have been obvious to one of ordinary skill in the art to Tsukamoto with the setting of the laser outputs based on the detected change in the light emission strength of the welded portion since such light intensity is alternatively known to provide the quality conditions of the welded portions. With respect setting an arbitrary threshold value to the change in the light emission strength of the plasma, Chou shows the plasma strength that can reach a threshold value that would be indicative of the weld problem, and it would have been obvious to adapt Tsukamoto to further set the laser to continue to weld without disruptions, for a longer period of time, to more effectively provide and complete the welding process and to minimize breaks in the light emission strength that would exceed the light emission threshold value.

5. Claims 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukamoto in view of Terada or Chou as applied to claims 1, 3 and 4 above, and further in view of Kearney (US 4,446,354).

Tsukamoto in view of Terada or Chou shows the method claimed except for obtaining the amplitude of the frequency component the light emission.

Kearney shows that it is well known that the amplitude and wavelength of radiation emitted by the welding arc or plasma is detected by a sensor to determine the welded portion conditions.

In view of Kearney, it would have been obvious to one of ordinary skill in the art to Tsukamoto, as modified by Terada or Chou, with obtaining the amplitude of the plasma of the welded portion to further correlate the laser output to that of plasma amplitude of the weld portion to obtain quality welds without defects as desired.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG Y. PAIK whose telephone number is (571) 272-4783. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on (571) 272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SANG Y PAIK/
Primary Examiner, Art Unit 3742